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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,702	12/22/2003	John Edward Nevergole	03-40201-US (884129.20001)	5512
7590 Thomas J. McWilliams REED SMITH LLP 2500 One Liberty Place 1650 Market Street Philadelphia, PA 19103-7301				
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EXAMINER				
THEIN, MARIA TERESA T				
ART UNIT		PAPER NUMBER		
3627				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/743,702

**Applicant(s)**

NEVERGOLE, JOHN EDWARD

**Examiner**

MARISSA THEIN

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 5-9-05
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on March 9, 2005 is being considered by the examiner.

### ***Drawings***

The drawings filed on December 22, 2003 are acceptable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.**

#### **Patent Application Publication 2002/0163443 to Stewart et al.**

Regarding claim 1, Stewart discloses a parking system, comprising a central location comprising at least one database (parking system database 4; Figure 10; paragraph 26); client communicatively connected to the central location (handheld computer; paragraph 27; paragraph 29); a plurality of alerters (RFID tags; paragraph 26; Figure 10); wherein each client communicates via a network with the central location, and wherein at least vehicle information of a vehicle parked and a location of the vehicle parked are entered to the at least one database from at least one client (paragraphs 27-28), and wherein a vehicle return request time is associated with the vehicle parked by the central location into at least one database (paragraph 24), and wherein the vehicle

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parked is returned responsively to activation of one of the alerters uniquely associated with the vehicle parked in the vehicle return request time (paragraph 26).

Regarding claim 2, Stewart discloses the client is selected from the group consisting of a PDA, a portable PC (paragraph 27).

Regarding claim 6, Stewart discloses a method of operating a parking system, comprising: registering at least one parking location at least one service provision location with a central location

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-4, 6-10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0163443 to Stewart et al. in view of U.S. Patent Application Publication No. 2002/0077953 to Dutta.**

Regarding claims 3-4, Stewart substantially discloses the claimed invention, however, it does not explicitly disclose central location comprises remote server and a distributed server. Dutta, on the other, hand teaches central location comprises remote server and a distributed server (paragraph 39).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Stewart, to include central location comprises remote server and a distributed server, as taught by Dutta, in order to

provide easier distribution of online traffic and reduces congestion on the connecting lines to a particular server (Dutta paragraph 39).

Regarding claims 6, 9, and 13-14, Stewart discloses a method of operating a parking system, comprising: registering at least one parking location with a central location (paragraphs 26-27; paragraph 30); upon arrival of a vehicle parked at the location, receiving vehicle information of the vehicle parked, and receiving one of the parking location for the vehicle parked, in a database at the central location via client connected to the database (paragraph 27; paragraph 30); uniquely associated, at the central location an alerter (paragraphs 25-26); associating, at the central location, a vehicle return request time for return of the vehicle parked (paragraph 24; paragraph 26); forwarding the vehicle information, the parking location, the alerter association, and the vehicle return request time for vehicle return time to the parking location (paragraph 30; paragraph 40; paragraphs 48-49); and returning the vehicle parked in the vehicle request return time, responsively to an activation of the associated alerter (paragraphs 34-35; paragraph 51).

However, Stewart does not explicitly disclose the registering of the service provision location; receiving of the parking location comprises varying the parking location in accordance with at least one of a geographic location of the service provision location, and congestion of registered ones of the parking locations; adding parking charges to billing from the service provision location; and scanning and automatically billing a payment. Dutta, on the other, hand teaches the registering of the service provision location (paragraph 56); receiving of the parking location comprises varying

the parking location in accordance with at least one of a geographic location of the service provision location, and congestion of registered ones of the parking locations (Figure 3a; Figure 3B; paragraph 43; paragraph 51); adding parking charges to billing from the service provision location (paragraph 71); and scanning and automatically billing a payment (paragraph 71)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Stewart, to include the registering of the service provision location; receiving of the parking location comprises varying the parking location in accordance with at least one of a geographic location of the service provision location, and congestion of registered ones of the parking locations; adding parking charges to billing from the service provision location; and scanning and automatically billing a payment, as taught by Dutta, in order to provide an efficient parking reservation system (Dutta, paragraph 14).

Regarding claims 7-8, 10 and 12, Steward discloses the vehicle information consisting of a license plate, a vehicle description, and a vehicle name (paragraph 27); uniquely electronically coding each alerter, wherein said uniquely associated comprises associated the unique electronic code with the vehicle information (paragraph 22; paragraph 25); tracking of all the vehicle parked, and all of the parking locations, at the central location (paragraph 30; paragraphs 48-49); and generating a bill for the vehicle parked in accordance with the activation of the associated alerter (paragraph 24; paragraph 26).

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0163443 to Stewart et al. in view of U.S. Patent No. 6,037,880 to Manion.**

Stewart substantially discloses the claimed invention, however, it does not explicitly disclose the database comprises a relational or tabular databases. Manion, on the other, hand teaches the database comprises a relational or tabular database (col. 4, lines 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Stewart, to include the database comprises a relational or tabular database, as taught by Manion, in order to communicate with several modules (Manion col. 4, lines 7-8).

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0163443 to Stewart et al. and U.S. Patent Application Publication No. 2002/0077953 to Dutta as applied to claim 6 above, and further in view of U.S. Patent No. 7,054,832 to Vallabh.**

Stewart and Dutta substantially disclose the claimed invention, however, the combination does not explicitly disclose the registering comprises issuing a username and password. Vallabh, on the other hand, teaches the registering comprises issuing a username and password (col. 5, lines 4-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Stewart, to include the registering

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comprises issuing a username and password, as taught by Vallabh, in order to provide a secure access system (Vallabh col. 4, line 59).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,249,233 to Rosenberg et al. discloses a vehicle parking system comprising a transmitter-responder device for each subscriber.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot /M. T./  
Examiner, Art Unit 3627  
August 1, 2008

/Michael Cuff/

Primary Examiner, Art Unit 3627